

as amended

**ORDINANCE NO. 07-1194**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE  
CITY OF HUNTSVILLE, ALABAMA**

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The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 Code of Alabama, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, that the Zoning Ordinance of the City of Huntsville, Alabama, as adopted on the 21st day of March 1963, as amended, is hereby further amended as follows:

*Section 1. Amend ARTICLE 72 - SIGN CONTROL REGULATIONS, as follows:*

*Amend Section 72.1 Definitions, by adding the following definition to read as follows:*

Artistic Mural - A picture painted directly onto an exterior wall of a building which is intended to enhance the aesthetic elements of the building and which is not designed or intended to convey information to the public, such as information concerning a product or a business in the form of text, numerals, symbols or logos.

*and amending the following definition to read as follows:*

Sign - A structure or device, excluding artistic murals, designed or intended to convey information to the public in written or pictorial form including without limitation any decorative or structural framework, supports or attachments necessary for or incidental to such sign.

*and amending the following definition to read as follows:*

Temporary Sign - Any display, informational sign, or other advertising device that is of a non-permanent nature and is intended to convey information about a specific, timed event rather than an ongoing occurrence. A temporary sign shall not be displayed for more than two months during any six-month period, shall not exceed thirty-two (32) square feet in size, and shall be located on premises. Temporary signs shall not be permitted for any premises in any district in conjunction with an electronic message center sign or an electronic display sign. In no event shall any temporary sign be permitted in violation of any provisions of the Zoning Ordinance.

*and deleting the following definition:*

Standard Building Code - The Standard Building Code as published by the Southern Building Code Congress

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International, Inc., and adopted by the City of Huntsville.

Amend Section 72.4 Permitted Signs by Districts by amending subsection 72.4.1 Residence 1, 1-A, 1-B, 1-C, 2, 2-A and 2-C Districts, by adding new subsection 72.4.1(7) to read as follows:

- (7) Detached signs in the form of electronic message center signs are permitted, along major and minor arterials only, by special exception provided that the requirements of subsections 72.4.1(2), 75.5.25 and 92.5.2(25) are met in addition to any conditions set forth by the Board of Adjustment.

and adding new subsection 72.4.1(8) to read as follows:

- (8) Detached signs in the form of electronic display signs are permitted, along major and minor arterials only, by special exception provided that the requirements of subsections 72.4.1(2), 75.5.26 and 92.5.3(26) are met in addition to any conditions set forth by the Board of Adjustment.

and adding new subsection 72.4.1(9) to read as follows:

- (9) One (1) temporary sign, upon premises occupied by schools, service clubs, churches, hospitals, and permitted buildings, provided that the cumulative total of the maximum permitted non-temporary signage for a premises totals forty (40) square feet or less.

and amending subsection 72.4.2 Research Park, Research Park Applications, Office, Residence 2-B, Neighborhood Business C-1, Neighborhood Business C-1A, Planned Industrial, and Disposal Storage Districts by amending subsection 72.4.2(5) to read as follows:

- (5) In Neighborhood Business C-1 zones only: Lots or tracts of land having only one occupant, tenant, commercial or business enterprise are permitted either one accessory ground sign having a maximum of thirty-five (35) square feet to the side or one accessory ground mounted (monument) sign having a maximum of thirty-five (35) square feet to the side for each 250 feet of frontage or fraction thereof. Provided however, that where additional signs are authorized because of frontage in excess of 250 feet, such signs shall not be placed closer than one hundred (100) feet to other such signs on the same property. The accessory ground mounted (monument) sign shall have a maximum height of five (5) feet including a base of no more than one (1) foot in height. The accessory ground mounted (monument) sign must be located either fifteen (15) feet from the back of the curb, or from the edge of the pavement if there is no curb, and fifteen (15)

feet from the curb of any entrance drive or accessway, or a minimum of ten (10) feet from the existing or proposed public street right-of-way, whichever distance is greater.

and adding new subsection 72.4.2(6) to read as follows:

- (6) In Office and Residence 2-B zones only: Lots or tracts having only one occupant, tenant, commercial or business enterprise are permitted one accessory ground mounted (monument) sign having a maximum of thirty-five (35) square feet to the side for each 250 feet of frontage or fraction thereof. Provided however, that where additional signs are authorized because of frontage in excess of 250 feet, such signs shall not be placed closer than one hundred (100) feet to another such sign on the same property. The accessory ground mounted (monument) sign shall have a maximum height of five (5) feet including a base of no more than one (1) foot in height. The accessory ground mounted (monument) sign must be located either fifteen (15) feet from the back of the curb, or from the edge of pavement if there is no curb, and fifteen (15) feet from the curb of any entrance drive or accessway, or a minimum of ten (10) feet from the existing or proposed public street right-of-way, whichever distance is greater.

and renumbering subsection 72.4.2(6) as 72.4.2(7)

and renumbering subsection 72.4.2(7) as 72.4.2(8)

and renumbering subsection 72.4.2(8) as 72.4.2(9)

and renumbering subsection 72.4.2(9) as 72.4.2(10)

and amending subsection 72.4.4 Light Industry, Heavy Industry, Highway Business C-4, and Neighborhood Business C-2 Districts, by amending subsection 72.4.4(1) to read as follows:

- (1) Attached accessory signs, provided that the total area of all such signs for each establishment or portion thereof utilized and operated as a separate business or commercial enterprise shall not exceed one hundred and fifty (150) square feet for each such establishment per frontage, plus three (3) square feet for each additional foot of building frontage in excess of fifty (50) feet with a maximum sign size for each establishment of three hundred and fifty (350) square feet.

Amend Section 72.5 General Sign Regulations by amending the first

*paragraph of subsection 72.5.12(5) to read as follows:*

- (5) In no case shall the embellishments on a non-accessory ground sign become a permanent part of a sign, nor shall embellishments be permitted on any non-accessory ground sign having a face larger than four hundred (400) square feet. All embellishments shall be constructed so as to meet the standards of the then-currently adopted technical codes.

*and adding new subsection 72.5.12(6) to read as follows:*

- (6) Digital non-accessory ground signs are permitted, regardless of technology used, provided:
  - (a) Digital non-accessory ground signs shall include a light detector/photocell which causes the sign's brightness to dim to levels which the Zoning Official determines meets current ambient light conditions; provided, the Zoning Administrator may adopt such standards he deems necessary to administer this provision;
  - (b) No scrolling, flashing, blinking, rotating, pulsating, moving, intermittent or animated images are permitted;
  - (c) The sign shall have a static image or message lasting no less than ten (10) seconds;
  - (d) The sign shall achieve a transition to another static image or message within a one (1) second maximum change time;
  - (e) The sign shall not display any illumination that moves, appears to move, or changes in intensity during the static display period;
  - (f) The sign shall contain a default design that will freeze the device in one position if a malfunction occurs; and
  - (g) No variances shall be allowed for any of the foregoing conditions.

*and amending subsection 72.5.15 to read as follows:*

Signs painted, fixed or mounted directly on or over the interior or exterior of windows are permitted provided that such signs do not cover more than twenty percent (20%) of the total window area, including framing and mullions, per

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building elevation, except in General Business C-3, Central Business C-B and Research Park Commercial districts. Any signs intended to be read from the exterior whether positioned on the inside of the window or the outside of the window are counted in the twenty percent (20%) window coverage. Signs located on or affixed to the outside of the window must have a sign permit and count toward the allowable signage for the zoning district where the sign is located.

*and amending subsection 72.5.19 to read as follows:*

All signs shall be maintained in compliance with the sign standards of the then-currently adopted technical codes as adopted by the City of Huntsville.

*and adding new subsection 72.5.25 to read as follows:*

Electronic message center signs shall be considered accessory ground signs and shall be allowed so long as the total square footage of that property's signage, including the electronic message center, does not exceed the allowance set forth by this ordinance for accessory ground signs and provided:

- (a) Electronic message center signs shall include a light detector/photocell which causes the sign's brightness to dim to levels which the Zoning Official determines meets current ambient light conditions; provided, the Zoning Administrator may adopt such standards he deems necessary to administer this provision.
- (b) No scrolling, flashing, blinking, rotating, pulsating, moving, intermittent, or animated messages are permitted.
- (c) The sign shall not display any illumination that moves, appears to move, or changes in intensity during the static display period.
- (d) Messages on electronic message center signs are limited to letters, numerals and standard punctuation only.
- (e) Lines of electronic text shall not exceed three (3) lines of text per sign face.
- (f) Text messages shall be limited to either white or amber in color on a black background and the entire text message must be monochrome.
- (g) Text messages shall be static and shall not change

more than once in any one (1) hour period. The transition time between the changing of the static text messages shall be achieved within a one (1) second period.

- (h) Electronic message center signs shall contain a default design that will freeze the device in one position if a malfunction occurs.
- (i) Electronic message center signs shall be turned on no earlier than 7:00 a.m. and turned off no later than 10:00 p.m. in all residentially zoned districts.
- (j) An electronic message center sign shall not exceed seventy-five percent (75%) of the total permitted sign face area. In the case of a single use, the establishment or facility name and street number shall be provided in non-electronic format. In the case of a business center sign or multiple tenant center sign, the name of the center, if any, and street number shall be provided in non-electronic format.
- (k) Electronic message center signs shall be constructed as an integral part of a permanent sign constructed on site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign.

*and adding new subsection 72.5.26 to read as follows:*

Electronic display signs shall be considered accessory ground signs and shall be allowed so long as the total square footage of that property's signage, including the electronic display sign, does not exceed the allowance set forth by this ordinance for accessory ground signs and provided:

- (a) Electronic display signs shall include a light detector/photocell which causes the sign's brightness to dim to levels which the Zoning Official determines meets current ambient light conditions; provided, the Zoning Administrator may adopt such standards he deems necessary to administer this provision.
- (b) No scrolling, flashing, blinking, rotating, pulsating, moving, intermittent, or animated messages are permitted.
- (c) The sign shall not display any illumination that moves, appears to move, or changes in intensity

during the static display period.

- (d) Electronic display signs shall be static and shall not change more than once in any one (1) hour period. The transition time between the changing of the static image shall be achieved within a one (1) second period.
- (e) Electronic display signs shall contain a default design that will freeze the device in one position if a malfunction occurs.
- (f) Electronic display signs shall be turned on no earlier than 7:00 a.m. and turned off no later than 10:00 p.m. in all residentially zoned districts.
- (g) An electronic display sign shall not exceed seventy-five percent (75%) of the total permitted sign face area. In the case of a single use, the establishment or facility name and street number shall be provided in non-electronic format. In the case of a business center sign or multiple tenant center sign, the name of the center, if any, and street number shall be provided in non-electronic format.
- (h) Electronic display signs shall be constructed as an integral part of a permanent sign constructed on site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign.

*Delete Section 72.6 Temporary Political Signs and replace it with Section 72.6 Non-Commercial Signs to read as follows:*

**72.6 - Non-Commercial Signs**

In addition to all other signs herein authorized, non-commercial, attached and ground signs in residential districts only:

(1) advertising political parties, issues, or candidates; (2) announcing an upcoming non-commercial event such as a school function, church bazaar, or fund raiser by a bona fide non-profit entity; or (3) that are otherwise an exercise of the constitutional right of free speech may be erected under the following conditions:

- 72.6.1 When the same are related to or concerning a pending election to be held within the city or county, such signs may be erected and maintained temporarily prior to said election and shall be removed no later than ten (10) days after the election or any runoff election.

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- 72.6.2 When the signs are for an upcoming non-commercial event, such signs may be erected and maintained temporarily no earlier than six (6) weeks prior to the event and shall be removed no later than ten (10) days after the conclusion of the event.
- 72.6.3 No more than two (2) such signs shall be maintained on any lot at any one time.
- 72.6.4 The signs may not contain any commercial advertisements or otherwise relate to a commercial use, service or product including without limitation the use, service or product of the owner or tenant on the lot on which the sign is located.
- 72.6.5 In Residence 1, 1-A, 1-B, 1-C, 2, 2-A, 2-C and Planned Development-Housing districts the size of such signs shall not exceed six (6) square feet.
- 72.6.6 No height or setback shall be required, except as provided in Section 72.6.8, and except that no such sign shall be erected so as to violate the corner visibility provisions of this ordinance.
- 72.6.7 A \$25.00 annual permit fee shall be paid to the Zoning Administrator by each candidate or campaign organization or non-profit entity erecting non-commercial signs within the city of Huntsville. The application form for non-commercial signs shall be signed by the person responsible for removing or having removed said signs within the authorized time period. The name and address of the candidate or the campaign organization or non-profit entity shall be clearly printed on the face of said signs.
- 72.6.8 No such signs shall be erected in or on any public right-of-way, public park, public building, public grounds, or other public place, except that in residencially zoned districts such signs shall be erected a minimum of ten (10) feet from the back of the curb or from the edge of the pavement if there is no curb regardless of the actual location of said right-of-way. No such signs shall be affixed to any tree, fence post or telephone or utility pole, and it shall be unlawful for any person to erect or maintain any such signs upon the property of another without first having secured authorization or permission of the owner or person in possession of the property.

*Amend Section 72.7 Non-Conforming Signs, by amending subsection 72.7.1 to read as follows:*



- 72.7.1 All signs constructed upon or overhanging any public street or highway, sidewalk excluded, and any sign that fails to meet the then-currently adopted technical code wind load requirements, shall be removed by the owner or persons responsible for same within ninety (90) days after the effective date of this ordinance, and thereafter it shall be unlawful for any such person to keep or maintain such sign except in conformity with this ordinance.

*Amend Section 72.8 Setbacks to read as follows:*

No sign shall be erected within the front, side or rear yard setback unless otherwise provided herein except for ingress and egress signs, as required by this ordinance for structures unless the lowest point of the sign display is mounted at a height of at least eight (8) feet above the ground and no more than two poles or columns are used, neither of which shall exceed twenty-four (24) inches in diameter. No part of any sign shall be erected closer than ten (10) feet to any overhead electric, cable, telephone or other transmission line nor closer than five (5) feet to any property line unless otherwise provided herein. No part of any sign shall be erected within nor protrude into any public right-of-way or utility easement except as provided for in subsections 72.4.3, 72.4.8 and 72.4.11.

*Section 2. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, by amending Section 92.5 Powers and Duties, by adding subsection 92.5.2(25) to read as follows:*

- (25) Electronic message center signs on major and minor arterials in residential zoning districts conditioned upon submittal of the following information to the Board of Adjustment and further conditioned upon the requirements of subsections 72.4.1(2) and 75.5.25 as well as any other conditions that may be imposed by the Board of Adjustment:
- (a) A site plan of the property indicating the proposed location of the sign in relation to any adjacent residential dwellings.
  - (b) A scaled rendering of the proposed sign.
  - (c) An indication of the technologies employed in the sign including: the method of illumination; the method of adjusting the sign to ambient light conditions; and the default design to freeze the device in one position if a malfunction occurs.

- (d) A copy of the Official Zoning Map on which are shown the exact boundaries of the property.

and adding subsection 92.5.2(26) to read as follows:

- (26) Electronic display signs on major and minor arterials in residential zoning districts conditioned upon submittal of the following information to the Board of Adjustment and further conditioned upon the requirements of subsections 72.4.1(2) and 75.5.26 as well as any other conditions that may be imposed by the Board of Adjustment:
  - (a) A site plan of the property indicating the proposed location of the sign in relation to any adjacent residential dwellings.
  - (b) A scaled rendering of the proposed sign.
  - (c) An indication of the technologies employed in the sign including: the method of illumination; the method of adjusting the sign to ambient light conditions; and the default design to freeze the device in one position if a malfunction occurs.
  - (d) A copy of the Official Zoning Map on which are shown the exact boundaries of the property.

Section 3. This ordinance shall take effect from and after the date of its publication.

ADOPTED this the 28th day of February, 2008.

  
President of the City Council of  
the City of Huntsville, Alabama

APPROVED this the 28th day of February, 2008.

  
Mayor of the City of Huntsville,  
Alabama